

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
TEXAS, FORT WORTH DIVISION

Wilton Lombard v. Gerald Hindy, et al.

Lombard · No. 4:26-cv-0006-P · Decided February 3, 2026

SUMMARY

A United States Magistrate Judge recommends dismissing Wilton Lombard’s pro se civil action without prejudice for lack of prosecution under Federal Rule of Civil Procedure 41(b). The recommendation is based on Lombard’s failure to pay the filing fee or submit a complete in forma pauperis application and his failure to provide a current mailing address after court mail was returned as undeliverable.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Fort Worth Division
WRITING FOR THE COURT	Jeffrey L. Cureton
JURISDICTION	United States District Court for the Northern District of Texas, Fort Worth Division
DECIDED	February 3, 2026
DOCKET	4:26-cv-0006-P
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff filed a civil complaint and an incomplete application to proceed in forma pauperis. After the court ordered him to pay the filing fee or submit a complete application and maintain a proper mailing address, the magistrate judge issued findings, conclusions, and a recommendation that the complaint be dismissed without prejudice for failure to prosecute.
STANDARD OF REVIEW	The district judge must make a de novo determination of portions of the magistrate judge's proposed findings and conclusions to which specific objections are timely made.
PRECEDENTIAL VALUE	nonprecedential recommendation

TOPICS

- civil procedure
- pleadings

PRACTICE AREAS

civil procedure

federal courts

pro se litigation

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed without prejudice for failure to prosecute when the plaintiff neither paid the filing fee nor submitted a complete in forma pauperis application, failed to maintain a current mailing address, and did not comply with the court's order.

HOLDINGS

1. The magistrate judge recommended that the complaint be dismissed without prejudice for lack of prosecution because plaintiff had not paid the filing fee, obtained permission to proceed in forma pauperis, maintained a proper mailing address, or otherwise communicated with the court after being ordered to cure the filing deficiency.

KEY QUOTATIONS

“Because Plaintiff has not paid the filing fee, obtained permission to proceed with IFP, or provided the Court with a proper mailing address, this case is subject to dismissal for lack of prosecution under Rule 41(b).”

FACTUAL BACKGROUND

Wilton Lombard filed a civil complaint against Gerald Hindy and Assemblies of God Financial Services. He submitted an incomplete application to proceed in forma pauperis and did not pay the required filing and administrative fees. After the court ordered him to cure the deficiency and maintain a proper mailing address, the order and related instructions were returned as undeliverable, and Lombard did not provide a new address or otherwise communicate with the court.

PROCEDURAL HISTORY

Plaintiff filed the action on January 5, 2026, together with a deficient long-form in forma pauperis application. The court ordered him to cure the deficiency within 30 days by paying the filing and administrative fees or filing a complete application, and warned that failure to comply could result in dismissal under Federal Rule of Civil Procedure 41(b). The order and related instructions were returned as undeliverable, and plaintiff had not supplied a new address or otherwise communicated with the court. The magistrate judge recommended dismissal without prejudice, subject to objections and de novo review by the district judge.

DISPOSITION

other

CASES CITED

- *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988)
- *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–31 (1962)

- *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc)

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